



MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

Summary of Minutes and Agenda Actions Meeting of January 9, 2019

The Miami-Dade Commission on Ethics (COE) convened in the Biscayne Building, 19 West Flagler Street, Suite 820, Miami, FL, on January 9, 2019. Present were Chairman H. Jeffrey Cutler, Vice-Chairman Nelson Bellido and Commissioner Lawrence Schwartz. Also present were Jose Arrojo, Executive Director; Michael Murawski, Advocate; Gilma Diaz-Greco, Martha Perez, and Radia Turay, Staff Attorneys; Rhonda Victor Sibilia, Communications Director; Rachelle Ross, Executive Secretary; other staff members and members of the public. The meeting was called to order at 10:02 a.m. by Chairman Cutler. A quorum was present.

I. Approval of Minutes

Vice Chair Bellido made a motion to approve the minutes of the November 14, 2018, meeting. Chairman Cutler seconded it and it was unanimously approved **(3-0)**.

II. Section Eight Requests

Staff Attorney Gilma Diaz-Greco presented a request from one individual wishing to contract under the federally-funded Section 8 program, and since neither he nor immediate family members are employed by the Miami-Dade Public Housing and Community Development Department, recommended approval. Vice Chair Bellido moved to approve the recommendation. It was seconded by Commissioner Schwartz and unanimously approved **(3-0)**.

III. Housing requests

Staff Attorney Diaz-Greco presented the requests of one County employee to seek assistance through a program overseen by the Miami-Dade Public Housing and Community Development Department, and since she nor any of her family members oversee or administer the program, recommended it be approved. Commissioner Schwartz made a motion to approve the recommendation. It was seconded by Vice Chair Bellido and unanimously approved **(3-0)**.

IV. Financial Disclosure filing requirements for 2018

Staff Attorney Diaz-Greco reported on updates to financial disclosure requirements and the training taking place.

V. Monthly Summary of Inquiries

Staff Attorney Radia Turay presented a Summary of Inquiries issued by the COE staff from December 1-31, 2018 and discussed one – **INQ 18-257**.

VI. Executive Director's Report

-- Executive Director Jose Arrojo reported that contract negotiations between the Mayor and Miami-Dade County's bargaining unions resulted in an increase in bi-weekly premium pay and a one percent cost of living pay hike for

members of the PBA, which includes Ethics Commission investigators. Other County employees not part of a bargaining unit – including all COE staff – also received a one percent COLA retroactive to October 1, 2018. Because salaries for the Executive Director and Advocate are to be adjusted by Ethics Commissioners, Mr. Arrojo requested they ratify the mayor’s action. Commissioner Schwartz made a motion to approve the pay hike. It was seconded by Vice Chair Bellido and unanimously approved **(3-0)**.

-- Mr. Arrojo reported on efforts underway with Communications Director Rhonda Victor Sibia to produce a monthly electronic newsletter and welcomed input on content and potential recipients from Ethics Commission members.

-- He deferred discussion of the County Contract Lobbyist question because there had been no interaction with those who requested to take part in discussions at the December meeting.

-- Mr. Arrojo presented a letter addressed to the mayor of Sunny Isles Beach on a question that has also arisen in other municipalities regarding the applicability of the Ethics Code to City Attorneys taking part in discussions involving their own employment status, and whether a City Attorney should recommend specific outside counsel to advise elected officials on such matters. Chairman Cutler suggested more time be given to study the question and that it be brought back at the March meeting.

VII. Complaints

-- Advocate Michael Murawski presented a Letter of Instruction for **C 18-43-10** for County Commissioner Xavier Suarez after finding Probable Cause last month that he violated the Conflict of Interest and Code of Ethics Ordinance when he filed a lawsuit in August on behalf of three plaintiffs against Mayor Carlos Gimenez and the County alleging misuse of the half-penny transit tax. The Letter spells out the prohibition against County officials representing third parties in action against the County and encourages Commissioner Suarez to contact the Ethics Commission whenever clarification is needed on the applicability of the Ethics Code. Vice Chair Bellido made a motion to ratify the Letter. It was seconded by Commissioner Schwartz and unanimously approved **(3-0)**.

The Ethics Commission convened in closed session at 10:40 a.m. Commissioners returned to open session at 10:48 a.m. and took the following actions:

-- Vice Chair Bellido made a motion to find Probable Cause, but dismiss and issue a Letter of Instruction in response to a complaint (**C 18-53-12**) that Rick Dunning, a Senior Vice President of “First Transit,” violated the County’s “Cone of Silence” when he commented on a recommendation to give the contract to a competitor. The investigation determined that the violation was inadvertent. The motion was seconded by Commissioner Schwartz and unanimously approved **(3-0)**.

-- Commissioner Schwartz made a motion to find No Legal Sufficiency to a complaint (**C 18-49-11**) filed against three members of the Miami Beach Historic Preservation Board, a quasi-judicial board, who are also members of the private, non-profit Miami Design Preservation League, was dismissed as Not Legally Sufficient. Randall Hillard accused Jack Finglass, Nancy Liebman and Kirk Paskal with discussing city board business during the League meetings and with property owners without giving public notice – allegations that fall under Florida’s Sunshine Law, not within the Ethics Commission’s jurisdiction. The motion was seconded by Vice Chair Bellido and unanimously approved **(3-0)**.


-- Vice Chair Bellido made a motion to approve the Advocate's request for an extension of time to make a Probable Cause determination on (C 18-50-12). The motion was seconded by Commissioner Schwartz and unanimously approved (3-0).

-- Vice Chair Bellido made a motion to approve a joint request for continuance to make a Probable Cause determination on (C 18-51-12). The motion was seconded by Commissioner Schwartz and unanimously approved (3-0).

-- Vice Chair Bellido made a motion to find No Legal Sufficiency to a complaint (C 18-52-12) filed by a member of the Goulds Community Action and Human Services Advisory Board against a Miami-Dade County employee who provides administrative support to the board. Phillip Murray alleged that Alton Sears and certain board members conspired to slander and defame him by initiating a recall petition against him. Because appropriate procedures are being followed to bring the recall question before the Board, there is no ethics violation. The motion was seconded by Commissioner Schwartz and unanimously approved (3-0).

VIII. Adjournment

There being no further business, the meeting adjourned at 10:48 a.m.



Prepared by Rhonda Victor Sibilia, Communications Director